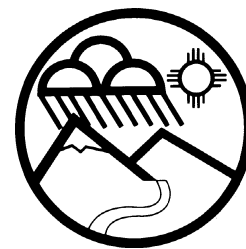


# TANK NOTES

STATE OF  
NEW MEXICO  
ENVIRONMENT  
DEPARTMENT



... A Newsletter from  
the Underground  
Storage Tank Bureau

PUBLISHED BY THE NEW MEXICO ENVIRONMENT DEPARTMENT

VOL. 11, NO. 4

SUMMER/FALL 2000

## Statistical Inventory Reconciliation: Do You Pass or Fail?

by John Cochran, Inspector and Acting Manager, Prevention/Inspection Program, UST Bureau

**T**here appears to be some confusion about statistical inventory reconciliation (SIR) and how a "pass," "fail," or "inconclusive" condition is determined. What do the terms, "leak rate," "leak threshold," and "minimum detectable leak rate" mean and how are they calculated? Under what conditions is a fail or inconclusive declared? This article should clear up some of the confusion.

Your SIR provider should provide to you: (1) clear and timely reporting of results in terms of pass, fail, or inconclusive; (2) complete copies of inventory records used in the analysis; (3) suggestions as to the likely cause of any fail or inconclusive result; (4) instructions on follow-up actions to be taken in the event of a fail or inconclusive result; and, (5) in the case of quantitative testing, the calculated leak rate in gallons per hour, the leak threshold at which a leak would be declared based on the data provided, and the minimum detectable leak rate.

The leak rate is the number the SIR method comes up with, measured in gallons per hour (gph), for the amount of product your tank appears to be losing. This number is rarely zero

because tanks, whether leaking or not, will show a leak rate. The question then is, is the leak rate significant?

The leak threshold is an action level leak rate and not a fixed number. It is typically the value associated with a fixed percentage set to the probability of false alarms the SIR provider is willing to accept. For example, a tank owner may give good inventory control data to the provider and may have a leak threshold of 0.1 gph. The next month the owner reads his/her gauge stick even more accurately than the

month before, and the quality of the inventory control data improves. As a result, the threshold leak rate will decrease, say, to 0.05 gph. The better the data you provide your SIR provider, the lower the leak threshold will be and the lower the chances of a fail.

The minimum detectable leak rate (MDL) is the smallest leak rate the provider can determine for the data provided, with a probability of detection of 95 percent or higher. The MDL is always equal to twice the leak threshold. If the leak threshold for a data set is 0.1 gph, then the MDL is 0.2 gph.

The MDL must be less than or equal to the performance standard of 0.2 gph in order to make a pass/fail call.

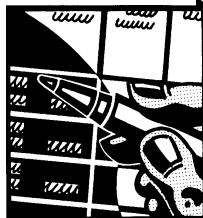
If the calculated leak rate is less than the leak threshold, and the minimum detectable leak rate is less than or equal to the performance standard (0.2 gph), the result is pass. If the leak rate exceeds the threshold leak rate then a fail is declared. If the MDL exceeds the performance standard and the calculated leak rate is less than the leak threshold, the result is inconclusive.

What do you do if you get an inconclusive or fail result? An owner or operator must report the condition to

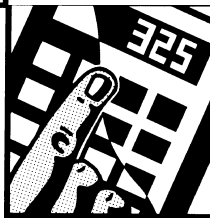
the UST Bureau within 24 hours and investigate to find out if a release has occurred. We call this a "site check" in Part 7 of the UST regulations. A tightness test of the tank and/or piping must be completed within 14 days of the result. Further investigation is not required if test results do not show a leak exists and if environmental contamination is not found.

If you have further questions about SIR, please contact the UST Bureau or your SIR provider.

### SIR



**PASS?  
FAIL?  
CAN'T  
TELL?**



## TANK NOTES

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NMED Secretary

Jim Najima

NMED Environmental Protection

Division Director

Jerry Schoeppner

UST Bureau Chief

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This newsletter is for the UST owner/operator population and is provided as a general information guide only. It is not intended to replace, interpret or modify manufacturers' protocols, or the rules, regulations or requirements of local, state or federal government, nor is it intended as legal or official advice. The opinions expressed in articles written by NMED staff and others are those of the authors and do not necessarily reflect those of NMED. We welcome your comments and suggestions. Send address changes and correspondence to: New Mexico Environment Department, Underground Storage Tank Bureau, Harold Runnels Building, 1190 St. Francis Drive, P.O. Box 26110, Santa Fe, New Mexico 87502. Check out the USTB website at [www.nmenv.state.nm.us/ust/ustbtop.html](http://www.nmenv.state.nm.us/ust/ustbtop.html)

## Notes from the Chief

By Jerry Schoeppner, Chief, UST Bureau

Many changes have occurred since the last issue of *Tank Notes*. The most significant change has been the creation of the Environmental Protection Division's Office of Budget and Finance. Ms. Donna Gary has been named the Deputy Division Director for this new Office. The Office of Budget and Finance will streamline and improve financial and budget functions division-wide. Eventually, these functions for the entire division, including the Underground Storage Tank Bureau, Air Quality Bureau, OSHA, and the Solid Waste Bureau, will be consolidated into this Office. These changes should be invisible to the end user but will increase efficiency for the division.

Other significant changes include the promotions of several staff members to key positions in programs within the Bureau. Joyce Shearer has been promoted to Manager of the Remedial Action Program and Tom Skibitski has been temporarily assigned to the District 1 Manager position for Field Operations. John Cochran has assumed the duties of Manager for the Prevention/Inspection Program.

The Underground Storage Tank Conference held in August was well-attended and received many compliments. Highlights of the sessions are presented in this issue, and more details can be found on the Bureau web page.

The revised regulations including Risk-based Decision Making (effective Feb. 2, 2000) have been implemented. The Corrective Action Fund has been certified for FY 2000. The unencumbered balance on July 1, 2000 was low enough that the portion of the Petroleum Products Loading Fee deposited into the Fund increased from \$80 per load to \$120 per load. Finally, the State of New Mexico and two tribes have entered into two cooperative agreements to complete corrective action on Indian lands.

### UST Bureau Field Inspectors for Tank Installations, Closures and Major Modifications, and Compliance

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505/325-2458

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Santa Fe, NM 87502

## Environment Secretary Kicks Off 2000 UST Conference

by Judy Flynn-O'Brien, Institute of Public Law

**T**he New Mexico UST program has come a long way since its first underground storage tank conference in 1989. That conference introduced tank owners and operators to regulations being adopted by EPA and the states under a new congressional mandate to clean up leaking underground storage tanks and prevent future leaks. Now, in the year 2000, the topics of discussion have advanced to ideas for long-term management of UST systems and the latest advances in clean-up technology, fueled to a great extent by the successes of the multi-million dollar New Mexico Corrective Action Fund.

The 2000 UST Conference was held August 22-23 in Albuquerque. The conference was opened by Jim Najima, Director of NMED's Environmental Protection Division, and Jerry Schoeppner, UST Bureau Chief. In the keynote address, Secretary of Environment Pete Maggiore talked about some of the legislative initiatives the Department may pursue in the 2001 session, notably the regulation of above-ground storage tanks (ASTs). Competitive bidding under the Ground Water Protection Act may see some statutory changes and the tribal distributor issue could be addressed.

Pete said funding of the UST program is reasonably stable, thanks to a combination of the Corrective Action Fund, tank fees and federal funding. He also spoke of the increasing interest in performance-based budgeting, focusing on outcomes rather than outputs, as a way of harmonizing executive and legislative goals. Pete announced two other significant developments in New Mexico's UST world:

- The Department has entered into agreements with the Jicarilla Apache Tribe and Laguna Pueblo regarding USTs and fund access; and
- The Corrective Action Fund was certified on June 20, 2000 as having an unobligated balance of \$8.3 million. This balance, if less than \$12 million, adjusts the petroleum products loading fee upwards to \$120 a load, \$80 of which goes to the Fund and \$40 of which goes to the state road fund.

Pete closed by expressing his gratitude to Tito Madrid who has just retired as chair of the UST Committee and director of NMED's Field Operations Division.

The first half of the afternoon on Aug. 22 was devoted to a panel discussion on the long-term management of LUST sites and the task of balancing environmental and business needs. The last part of the afternoon was devoted to a discussion of the new corrective action decision-making process for LUST sites.

Two separate full-day sessions were offered the next day. Session I focused on remediation issues, looking at innovative technologies, new lab methods and procedures, and multi-phase extraction systems.

NMED's Occupational Health and Safety Bureau staff spoke on a range of safety issues associated with UST installation and removal. OSHA regs on these topics have been compiled into a guidance pamphlet for conference attendees. This pamphlet is available from the UST Bureau in Santa Fe (827-0188) or from your local inspector.



**Pete Maggiore (l.) presents award to Ruben Baca and Benny Hodges of NM Petroleum Marketers Assoc.**

### Public/Private Partnership Recognized for Contribution to UST Cleanup

**A**t a banquet the evening before the UST Conference, several organizations were recognized by the NMED and the U.S. EPA for their contributions to cleaning up pollution caused by leaking USTs. Department Secretary Pete Maggiore presented awards to Chevron Products Co., U.S. EPA Region 6 in Dallas, the American Society for Testing and Materials, U.S. EPA Office of Underground Storage Tanks, and the New Mexico Petroleum Marketers Association. The EPA recognized the Environment Department for adopting risk-based decision-making, and Chevron and ASTM for assisting the Department.

These organizations are part of a public/private partnership formed to assist states in developing methods for more cost-effective cleanup of LUSTs.

## Panel Tackles Business and Environmental Needs at LUST Sites

*Norman Pricer, Geologist, NMED, with Judy Flynn-O'Brien, Institute of Public Law*

**H**ow much uncertainty can tank owners, “deal makers” and bankers live with? Are lenders and purchasers tolerant of long-term contamination as long as regulatory requirements are being met? What requirements do banks need to consider to approve a loan on a contaminated site? Do recent changes in the regulations resolve, or raise, concerns for business? As sites change hands, can long-term access for monitoring be maintained?

Panelists representing real estate law, banking, petroleum distribution and environmental regulatory sectors talked at the conference about these and other challenges involved in owning, conducting business at, or financing activities on sites contaminated by leaking underground storage tanks. NMED’s Anna Richards moderated the panel, “Long Term Management of LUST Sites: Balancing Business and Environmental Needs.”

Benny Hodges, President of Hodges Oil Company in Belen, NM, pointed out that the Corrective Action Fund has been a savior for many owners and operators of UST systems in New Mexico. Pollution insurance in the early days was either unavailable or unaffordable, and the remediation costs on a minor site were astronomical. Without the introduction of the petroleum products loading fee, many New Mexico business and UST owners would have faced financial ruin. According to Benny, the CAF, the Environment Department, and private business exemplify the best in government-industry relationships. Some scenarios wait to be tested, according to Benny, among them some third-party issues; e.g. if contamination at a state-lead site is not contained and goes off-site, who is liable?

Kathy Kelton, Vice President for Real Estate Technical Services at Wells Fargo Bank, said that the banking industry relies on the regulators to guide them on the environmental requirements for UST sites. She commented that lenders like to have assurance that there is no contamination or that there is a reliable source of payment for cleanup costs. If there is contamination, they want to know how bad it is and what the approximate cost is to clean it up.

Dan Dolan, a partner in the Dolan & Domenici law firm, has represented clients on UST issues for many years. Responding to questions about insurance, he noted that most general insurance policies today exclude pollution coverage but that some leaks are so old that the client’s older policies might apply. Situations also exist in which the policy may require the insurance company to pay the client’s defense costs even if there is a pollution exclusion. As for real estate transactions involving contaminated property, Dan noted that these properties often will sell for less. He

also observed that banks don’t like to foreclose on contaminated property because they don’t want the responsibility.

Jerry Schoeppner, UST Bureau Chief, reminded attendees that if the Department were to require vigorous remediation of all LUST sites, the funding would be quickly gone. If there are no receptors, such as a well or activity affected by contamination, it makes sense that the site be lower on the payment list and that natural processes be used. In order for monitored natural attenuation (MNA) to be used, the site must meet certain criteria— that the contaminant plume is shrinking, concentrations are decreasing, there are no nearby receptors, and that the source of the contamination is addressed. If a drinking water well is proposed for future use of the property, this fact will be factored into risk-based decision-making evaluations. Jerry reiterated that NMED will remain involved in the long term management of sites.

The panel was asked about lending institutions’ stance on real estate loans on contaminated property. Lending institutions are primarily concerned with risks to repayment of the loan. The cost of cleanup and sources of payment are factors considered in the underwriting process. Sometimes a lender will request that an applicant put up other collateral if the site is contaminated. The lender might require a reserve account of up to 150 percent of the cost of cleanup, or a combination of a reserve account and a discounted value on the property. Underwriting for a loan will depend on the responsible party’s (RP) approach to the cleanup, the regulator’s stance, the proximity of drinking water wells and other receptors, the size of the plume and other considerations.

With this focus on the buyer of property, one panelist made the point that the seller isn’t relieved of responsibility merely by selling the property: Once an RP always an RP.

What if a neighboring property owner is affected by contamination? Is the buyer of the property liable? Dan Dolan thought that the owner of the LUST site at the time of the discharge would be liable. He also pointed out that there is a statute of limitations on third party property damages. The deadline in New Mexico for filing an action to recover for injury to property is four years from when the property owner knew or should have know of the injury.

The problem of access was brought up. When surrounding properties change ownership, the RP may lose access to the area that needs to be cleaned up. It is the owner’s responsibility to notify the state of a change in ownership as stated on the access permit.

**Note to the reader:** This summary of the panel’s discussion is not intended as official or legal advice.

## RBDM and Variances Top Corrective Action Session

By Tim Eckert, Geologist, USTB, District I

**L**isa Schall of the UST Bureau spoke at the conference about the Department's newly implemented **Risk Based Decision-Making (RBDM) process**. It consists of three steps: Site Characterization, Risk Assessment and Risk Management. USTB sites can now be closed with groundwater contamination at levels above New Mexico Water Quality Control Commission (WQCC) standards by petitioning the Commission for a variance to the standards. The UST Bureau forms for reporting (14-Day, Preliminary and Secondary Investigation reports and Tier 1 and 2 reports) can be downloaded from the NMED web site.

Dennis McQuillan of the NMED Groundwater Quality Bureau spoke about applying for a **variance** to WQCC

standards. So far, no petition for a variance to the standards has come before the WQCC. If a petition were filed, it would first be reviewed by NMED and then recommended for approval to the WQCC. The requirements and procedures are specified in 20 NMAC 6.2. Tankowners should see Chapter Six of the Bureau's "Guidelines for Corrective Action" for help in preparing this petition.

The Q/A session revealed that the Department has no plans to re-open NFA (No Further Action) sites closed under old regulations. An exception may be if there is indication that a site is causing a risk or harm to the environment or human health.

## EPA Hands Off Lab Methods Approval to UST Stakeholders

By Thomas Leck, Senior Geologist, USTB District I

**T**he laboratory issue of greatest interest is the implementation of "Performance Based Measurement Systems" (PBMS). What this means is that the Environmental Protection Agency (EPA) is getting out of the business of recommending laboratory methods. No longer will EPA-approved analytical methods be published in EPA publication SW 846. From now on, it is up to the various laboratories around the country to devise methods (or measurements, as they are now called) that meet the needs of their clients. In the UST community, it will be our responsibility to ensure that these measurements meet our needs both technically and economically. In addition, as new measurements are developed, all parties will have to identify and select the laboratories able to do the necessary work.

To be useful, a new measurement must be convenient, flexible, innovative and/or provide a cost savings for the customers. A new method can be used if it:

- measures the contaminants of concern;
- is appropriate at the level of contaminants expected;
- is sufficiently accurate; and
- is appropriate for the site under consideration.

PBMS will put good science, research and innovation back in the laboratory. At the same time, regulators and the regulated community will need to be diligent about investigating the new measurement systems to find out if they meet their requirements. As with all UST-associated work, pre-approval by the Department is required before a measurement can be used.

## Multi-Phase Extraction Vacuums Contamination

By Jane A. Cramer, Senior Geologist, USTB District I

**C**hevron scientist Tom Peargin spoke on the technology called multi-phase extraction, also known as vacuum-enhanced pumping. Multi-phase extraction (MPE) refers to simultaneous removal of vapor contamination, dissolved phase contamination, and non-aqueous phase liquid (NAPL) hydrocarbon contamination. The primary application of MPE is in media such as clays with low hydraulic conductivity. In clays, very high vacuums are necessary for extraction, hence the moniker, "vacuum-enhanced pumping." The main goal of the technology is to remediate recalcitrant contamination in the smear zone by de-watering smear zone soils, inducing air flow, and then removing residual adsorbed NAPL from the smear zone through volatilization. Since MPE relies on

de-watering the smear zone, it is not applicable to contaminant removal in highly porous media such as sand.

How does a practitioner tell whether MPE is working and whether to continue operating an MPE system? Typically one sees a high initial mass removal rate indicating that the system has removed the vapor phase. This removal rate then drops, indicating that the limits of system effectiveness have been reached. A graph of pounds of hydrocarbons removed per day versus number of days of operation shows at first a steeply climbing line (high mass removal rate) followed by a "ski-slope"-shaped falling line (system effectiveness reached). The system should be turned off when the trough at the bottom of the "ski-slope" has been reached.

## Still a Long Way to Go with Innovative Technologies

By Lorena Goerger, Geologist, UST Bureau

**T**he Innovative Remediation Technologies session at the conference reviewed five different technologies. The session was moderated by Joyce Shearer, Manager of the Remedial Action Program for USTB.

The technologies highlighted are Fenton-like reagent application, PSH recovery, Isolite application, chemical oxidation of PAHs and BioLuxing-enhanced in situ remediation.

Pat deGruyter of the USTB presented the **Fenton-like reagent application**. Pat discussed the use of this application to a site he monitors in Albuquerque. The reagent is a mix of  $H_2O_2$ , metallic peroxides, iron sulfate and the proprietary mixture of BioManagement Services, Inc. This mixture is introduced into the soil and groundwater at the site in the center of the plume (ie: a partial site application). Groundwater samples are taken prior to the application of the reagent and again approximately one month later. Pat said that as of the last sampling taken after the application, a significant change was not noted, but added that the door is not closed on this technology for sites within New Mexico if the conditions at the site warrant it. The cost for such an approach is approximately half the cost of a dig-and-haul at a typical site.

Stacy Sandler and Jack Collins of Envirotech, Inc. presented **PSH recovery**. The site where this approach is being applied is in Gallup and consists of a recovery trench installation for recovery of phase-separated hydrocarbons (PSHs). Between 27,500 to 43,200 gallons of diesel were lost at the site through a 5/16 inch hole in one tank. Recovery at the site consists of 13 recovery wells and a trench system excavated to the shale at a depth of 15 to 35 feet below ground surface. Product now being recovered at the recovery wells has not yet reached the trench system. Approximately 6,500 gallons have been recovered to date. The system at the site is designed to intercept the product. When the product reaches the trench system, the gradient of the trench and the sump located at the apex of the trench should impede the flow of product in the down-gradient direction.

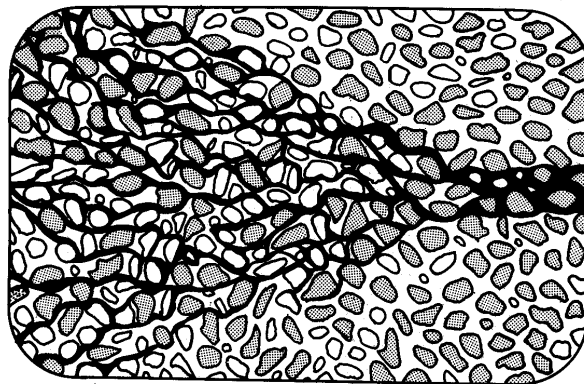
Tom Leck of the USTB described how the **application of Isolite** to a leaking UST site works. Isolite is introduced to the subsurface by opening up the subsurface above and

below the groundwater table with hydraulic fracturing. The mixture is injected into the fractures creating "bionets" for the microbes to live in and begin the work of "eating" the contamination at the site. The lack of response at the site Tom reviewed may have been that the bugs died from lack of oxygen before they could consume the contamination. The conclusions of the study at this site are that (1) bionets were not effective as designed; (2) injection of air into soils may enhance the effectiveness of the bugs; (3) fracturing may enhance the use of certain products in tight soils; and (4) a cost/benefit analysis should be run on a site before pursuing this technology.

Jeff Fleishman of Foremost Solutions presented **Bio-luxing-enhanced in situ remediation**. This technology also utilizes Isolite, which Foremost calls "luxury condos for bugs." Foremost designs and injects a reactive slurry into the subsurface at the site. The slurry is injected into fractures made using the hydraulic fracturing process. This process is performed by using fluid pressure to create flat horizontal sheets that the slurry can be injected into. The isolite within the slurry props open the fractures, thus creating the "condos," or biolux. A bionet is a series of stacked bioluxes. This technology has been used at two New Mexico petroleum-contaminated sites. The results have

shown it to be non-responsive to the needs of the site or very slow to react to the site conditions. The technology is being pilot-tested for MTBE sites and is still under review by the USTB for use at other LUST sites.

Gary Brown of Sandia Labs discussed **chemical oxidation of PAHs**, presenting work done by Sandia Labs and UNM on the use of permanganate and ultrasound on PAH (Polycyclic Aromatic Hydrocarbon) contamination in Rio Grande soils. This study was conducted in the lab and has not been field-tested. Using permanganate alone, the study showed that in a controlled lab situation, four of the six samples were reduced by 50 percent contamination in 30 minutes. Ultrasound alone applied to the six samples showed a reduction of 50 percent in only one sample after 180 minutes. The study showed that the combination of permanganate and ultrasound on these particular soils in a lab setting reduced the contamination by 50 percent after only 20 minutes.



*As the graphic makes clear, getting rid of contamination in groundwater is never easy.*

## New on the Web

by Jenny Smith, Bureau Webmaster

- Updated State Lead Invoice Submittal, Application for Payment, and Compliance Determination packages  
<http://www.nmenv.state.nm.us/ust/forms.html>
- Winter/Spring 2000 Tank Notes  
<http://www.nmenv.state.nm.us/ust/tanknote.html>
- Brochure on Manual Gauging for Small USTs  
<http://www.nmenv.state.nm.us/ust/br-manga.html>
- UST Committee December 1999-May 2000 Meeting Minutes  
<http://www.nmenv.state.nm.us/ust/ustcmin.html>
- Notice of Submission of a Reclamation Plan form  
<http://www.nmenv.state.nm.us/ust/notrecl.html>
- Updated Score Sheets for Evaluation of Preliminary Investigation and Quarterly Monitoring Proposals  
<http://www.nmenv.state.nm.us/ust/cafbid.html>
- Powerpoint Presentations from UST conference  
<http://www.nmenv.state.nm.us/ust/ustconf.html>
- Operating and Maintaining Underground Storage Tank Systems - Practical Help and Checklists  
<http://www.nmenv.state.nm.us/ust/faq.html>

## Leak o' the Week

Report releases to the following staff during working hours. For emergencies during evenings and weekends, call the NMED emergency number (505) 827-9392.

Nov 20-24	Tim Eckert	841-9475
Nov 27-Dec 1	Lorena Goerger	827-0110
Dec 4-8	Steve Grietens	841-9349
Dec 11-15	Norm Pricer	841-9189
Dec 18-22	Brian Salem	827-2926
Dec 26-29	Jane Cramer	841-9477
Jan 2-5	Tim Eckert	841-9475
Jan 8-12	Lorena Goerger	827-0110
Jan 15-19	Steve Grietens	841-9349
Jan 22-26	Norm Pricer	841-9189
Jan 29-Feb 2	Brian Salem	827-2926
Feb 5-9	Jane Cramer	841-9477
Feb 12-16	Tim Eckert	841-9475
Feb 19-23	Lorena Goerger	827-0110
Feb 26-Mar 2	Steve Grietens	841-9349
Mar 5-9	Norm Pricer	841-9189
Mar 12-16	Brian Salem	827-2926
Mar 19-23	Jane Cramer	841-9477
Mar 26-30	Tim Eckert	841-9475

## Corrective Action Fund Update

By Donna Gary, Office of Finance and Budget,  
Environmental Protection Division

Year to Date, July 31, 2000 (fiscal year began July 1, 2000)

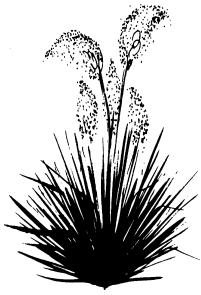
Total Cash	\$23,325,433
Total Reductions to Cash	\$12,230,873
(includes long-term workplan liabilities)	\$10,302,572
Unobligated Balance	\$11,094,561



### Tip to Getting Your Payment Without Delay!

Address all claims and invoices to the Environmental Protection Division's Office of Finance and Budget, Room N2150, 1190 Saint Francis Drive, Santa Fe, New Mexico 87502. This will be particularly important when the UST Bureau moves to a different building in 2001. You don't want your claim "lost in the mail," and neither do we.

## Have you checked your tank today?



**N**ow that your system is new or upgraded, no, you still can't afford to relax. Now you must know how to quickly detect failures and avoid leaks. The EPA has published a very useful manual for tank owners and operators called **Operating and Maintaining Underground Storage Tank Systems, Practical Help and Checklists**. It's chock-full of information on effective O&M procedures to keep your USTs from springing leaks and creating costly cleanups.

Some info you'll need and some you won't. The manual's pages are 3-holed punched and unbound so you can pick and choose the mix of checklists that match your facility. For your free copy, **write to:**

US EPA/National Service Center  
for Environmental Publications  
PO Box 42419  
Cincinnati, OH 45242-2419

**Or call:**

EPA RCRA/Superfund Hotline  
1-800 424-9346, M-F, 9-6 EST

Provide title and EPA ordering number (EPA-510-B-00-008). You can also **download** it from the Web. There is an easy link to the manual on the UST Bureau's webpage below. Get yours now and use it often!



Check out the USTB website at [www.nmenv.state.nm.us/ust/ustbtop.html](http://www.nmenv.state.nm.us/ust/ustbtop.html)

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